

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
François SCHUTZE et al.)	Group Art Unit: 1614
)	
Application No.: 10/532,114)	Examiner: PHYLLIS G SPIVACK
)	
Filed: April 21, 2005)	Confirmation No.: 9051
)	
For: PHARMACEUTICAL COMPOSITION)	
COMBINING TENATOPRAZOLE)	
AND A HISTAMINE H-2 RECEPTOR)	
ANTAGONIST)	

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants wish to comment on the Interview Summary issued by Examiner Spivak on September 25, 2008. Applicants' representative spoke with Examiner Spivak on September 22, 2008. Examiner Spivak called because an Office Action had been mailed on March 19, 2008, and the Examiner inquired if Applicants had filed a response within the six month period for response.

The Interview Summary issued on September 25, 2008 states that agreement with regard to the claims was reached, and that Applicants' representative stated "no response was filed to the Office Action mailed March 19, 2008". However, the Interview Summary fails to state that Applicants' representative also informed the Examiner that Applicants never received the March 19, 2008 Office Action.

Applicants' representative informed the Examiner that the Office Action was mailed to Buchanan Ingersoll & Rooney PC, P.O. Box 1404, Alexandria, Virginia, 22313-1404 on March 19, 2008, despite the fact that Applicants had filed a request for Change of Address on March 13, 2008, changing the official correspondence address to Crowell & Moring LLP, Intellectual Property Group, P.O. Box 14300, Washington, DC 20044-4300. The Correspondence Address Change was entered into the record on March 17, 2008, prior to the

Final Office Action's mail date. Accordingly, in the September 22, 2008 telephone discussion, Applicants' representative informed the Examiner that the Final Office Action was not mailed to the correspondence address of record, and that Applicants would have timely responded to the Office Action had they received it. Applicants' representative informed the Examiner that Applicants had not intended for the captioned application to go abandoned, and intended to take steps to have the Office Action re-issued with a new mailing date.

On September 25, 2008, Applicants filed a Request to Re-Issue Office Action. Applicants respectfully submit that no fees should be due in accordance with this request; however, if any fees are necessary, please charge Deposit Account No. 05-1323 (Docket #104006-B130119).

Please contact the undersigned should you have any questions regarding this communication and request.

Respectfully submitted,

Date: 1 October 2008

By:


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